

Effective 5/8/2018

Part 2
Point of the Mountain State Land Authority

11-59-201 Creation of Point of the Mountain State Land Authority -- Status and duties of authority.

- (1) There is created the Point of the Mountain State Land Authority.
- (2) The authority is:
 - (a) an independent, nonprofit, separate body corporate and politic, with perpetual succession, whose purpose is to facilitate the development of state land;
 - (b) a political subdivision of the state; and
 - (c) a public corporation, as defined in Section 63E-1-102.
- (3) Subject to Subsection 11-59-103(3), the authority shall manage the point of the mountain state land and shall plan, manage, and implement the development of the point of the mountain state land:
 - (a) beginning May 8, 2018;
 - (b) during the transition period as prison operations on the point of the mountain state land continue and eventually wind down in anticipation of the relocation of prison operations to the new correctional facility; and
 - (c) upon and after the transfer of prison operations to the new correctional facility.

Enacted by Chapter 388, 2018 General Session

11-59-202 Authority powers.

- (1) The authority may:
 - (a) as provided in this chapter, plan, manage, and implement the development of the point of the mountain state land, including the ongoing operation of facilities on the point of the mountain state land;
 - (b) undertake, or engage a consultant to undertake, any study, effort, or activity the board considers appropriate to assist or inform the board about any aspect of the proposed development of the point of the mountain state land, including the best development model and financial projections relevant to the authority's efforts to fulfill its duties and responsibilities under this section and Section 11-59-203;
 - (c) sue and be sued;
 - (d) enter into contracts generally, including a contract for the sharing of records under Section 63G-2-206;
 - (e) buy, obtain an option upon, or otherwise acquire any interest in real or personal property, as necessary to accomplish the duties and responsibilities of the authority, including an interest in real property, apart from point of the mountain state land, or personal property, outside point of the mountain state land, for publicly owned infrastructure and improvements, if the board considers the purchase, option, or other interest acquisition to be necessary for fulfilling the authority's development objectives;
 - (f) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or personal property;
 - (g) enter into a lease agreement on real or personal property, either as lessee or lessor;

- (h) provide for the development of the point of the mountain state land under one or more contracts, including the development of publicly owned infrastructure and improvements and other infrastructure and improvements on or related to the point of the mountain state land;
 - (i) exercise powers and perform functions under a contract, as authorized in the contract;
 - (j) accept financial or other assistance from any public or private source for the authority's activities, powers, and duties, and expend any funds so received for any of the purposes of this chapter;
 - (k) borrow money, contract with, or accept financial or other assistance from the federal government, a public entity, or any other source for any of the purposes of this chapter and comply with any conditions of the loan, contract, or assistance;
 - (l) subject to Subsection (2), issue bonds to finance the undertaking of any development objectives of the authority, including bonds under Title 11, Chapter 17, Utah Industrial Facilities and Development Act, and bonds under Title 11, Chapter 42, Assessment Area Act;
 - (m) hire employees, including contract employees, in addition to or in place of staff provided under Section 11-59-304;
 - (n) transact other business and exercise all other powers provided for in this chapter;
 - (o) enter into a development agreement with a developer of some or all of the point of the mountain state land;
 - (p) provide for or finance an energy efficiency upgrade, a renewable energy system, or electric vehicle charging infrastructure as defined in Section 11-42a-102, in accordance with Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act;
 - (q) exercise powers and perform functions that the authority is authorized by statute to exercise or perform;
 - (r) enter into one or more interlocal agreements under Title 11, Chapter 13, Interlocal Cooperation Act, with one or more local government entities for the delivery of services to the point of the mountain state land;
 - (s) enter into an agreement with the federal government or an agency of the federal government, as the board considers necessary or advisable, to enable or assist the authority to exercise its powers or fulfill its duties and responsibilities under this chapter;
 - (t) provide funding for the development of publicly owned infrastructure and improvements or other infrastructure and improvements on or related to the point of the mountain state land; and
 - (u) impose impact fees under Title 11, Chapter 36a, Impact Fees Act, and other fees related to development activities.
- (2) The authority may not issue bonds under this part unless the board first:
- (a) adopts a parameters resolution for the bonds that sets forth:
 - (i) the maximum:
 - (A) amount of bonds;
 - (B) term; and
 - (C) interest rate; and
 - (ii) the expected security for the bonds; and
 - (b) submits the parameters resolution for review and recommendation to the State Finance Review Commission created in Section 63C-25-201.
- (3) No later than 60 days after the closing day of any bonds, the authority shall report the bonds issuance, including the amount of the bonds, terms, interest rate, and security, to:
- (a) the Executive Appropriations Committee; and
 - (b) the State Finance Review Commission created in Section 63C-25-201.

Amended by Chapter 139, 2023 General Session

11-59-203 Authority duties and responsibilities.

- (1) As the authority plans, manages, and implements the development of the point of the mountain state land, the authority shall pursue development strategies and objectives designed to:
 - (a) maximize the creation of high-quality jobs and encourage and facilitate a highly trained workforce;
 - (b) ensure strategic residential and commercial growth;
 - (c) promote a high quality of life for residents on and surrounding the point of the mountain state land, including strategic planning to facilitate:
 - (i) jobs close to where people live;
 - (ii) vibrant urban centers;
 - (iii) housing types that incorporate affordability factors and match workforce needs;
 - (iv) parks, connected trails, and open space, including the preservation of natural lands to the extent practicable and consistent with the overall development plan; and
 - (v) preserving and enhancing recreational opportunities;
 - (d) complement the development on land in the vicinity of the point of the mountain state land;
 - (e) improve air quality and minimize resource use; and
 - (f) accommodate and incorporate the planning, funding, and development of an enhanced and expanded future transit and transportation infrastructure and other investments, including:
 - (i) the acquisition of rights-of-way and property necessary to ensure transit access to the point of the mountain state land; and
 - (ii) a world class mass transit infrastructure, to service the point of the mountain state land and to enhance mobility and protect the environment.
- (2) In planning the development of the point of the mountain state land, the authority shall:
 - (a) consult with applicable governmental planning agencies, including:
 - (i) relevant metropolitan planning organizations;
 - (ii) Draper City and Salt Lake County planning and governing bodies; and
 - (iii) in regards to the factors described in Subsections (1)(c)(i) and (iii), the Unified Economic Opportunity Commission created in Section 63N-1a-201;
 - (b) research and explore the feasibility of attracting a nationally recognized research center; and
 - (c) research and explore the appropriateness of including labor training centers and a higher education presence on the point of the mountain state land.

Amended by Chapter 406, 2022 General Session

11-59-204 Applicability of other law -- Coordination with municipality.

- (1) The authority and the point of the mountain state land are not subject to:
 - (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
 - (b) the jurisdiction of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act, except to the extent that:
 - (i) some or all of the point of the mountain state land is, on May 8, 2018, included within the boundary of a special district or special service district; and
 - (ii) the authority elects to receive service from the special district or special service district for the point of the mountain state land that is included within the boundary of the special district or special service district, respectively.

- (2) In formulating and implementing a development plan for the point of the mountain state land, the authority shall consult with officials of the municipality within which the point of the mountain state land is located on planning and zoning matters.
- (3) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.
- (4) Nothing in this chapter may be construed to remove the point of the mountain state land from the service area of the municipality in which the point of the mountain state land is located, for purposes of water, sewer, and other similar municipal services currently being provided.
- (5) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act, except that for an electronic meeting of the authority board that otherwise complies with Section 52-4-207, the authority board:
 - (a) is not required to establish an anchor location; and
 - (b) may convene and conduct the meeting without the determination otherwise required under Subsection 52-4-207(5)(a)(i).

Amended by Chapter 16, 2023 General Session

Amended by Chapter 100, 2023 General Session

11-59-205 Authority funds.

- (1) Authority funds consist of all money that the authority receives from any source, including:
 - (a) money appropriated by the Legislature;
 - (b) money from lease revenue;
 - (c) revenue from fees or other charges imposed by the authority; and
 - (d) other money paid to or acquired by the authority, as provided in this chapter or other applicable law.
- (2) The authority may use authority funds to carry out any of the powers of the authority under this chapter or for any purpose authorized under this chapter, including:
 - (a) providing long-term benefits to the state from the development or use of point of the mountain state land;
 - (b) investment in authority projects;
 - (c) repayment of point of the mountain infrastructure loans;
 - (d) repayment of or collateral for authority bonds;
 - (e) the sharing of money with other governmental entities under an interlocal agreement; and
 - (f) paying any consulting fees, staff salaries, and other administrative, overhead, legal, and operating expenses of the authority.

Amended by Chapter 263, 2023 General Session

11-59-206 Energy sales and use tax.

- (1) As provided in Subsection 10-1-304(1)(c), the authority may by resolution levy an energy sales and use tax, under Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, on an energy supplier, as defined in Section 10-1-303, that supplies energy to a facility on the point of the mountain state land.
- (2) An energy sales and use tax under this section is subject to the maximum rate under Subsection 10-1-304(1)(a)(ii), except that delivered value does not include the amount of a tax paid under this section.
- (3)

- (a) An energy supplier may recover from the energy supplier's customers an amount equal to the energy sales and use tax, if the energy supplier includes the amount as a separate billing line item.
 - (b) An energy sales and use tax levied under this section is in addition to the rate approved by the Public Service Commission and charged to the customer.
- (4)
- (a) An energy sales and use tax under this section is payable by the energy supplier to the authority on a monthly basis as described by the resolution levying the tax.
 - (b) A resolution levying an energy sales and use tax shall allow the energy supplier to retain 1% of the tax remittance each month to offset the energy supplier's costs of collecting and remitting the tax.
- (5) Beginning July 1, 2022, a municipality may not levy an energy sales and use tax on an energy supplier for energy that the energy supplier supplies to a facility located on the point of the mountain state land.

Enacted by Chapter 237, 2022 General Session

11-59-207 Annual fee in lieu of property tax.

- (1) As used in this section:
- (a) "Annual fee" means a fee:
 - (i) that is levied and collected each year, as provided in this section; and
 - (ii) in an amount that is the equivalent of the cumulative real property tax that would be levied and collected on leased property by all taxing entities if the leased property were not exempt property.
 - (b) "Exempt property" means real property that is exempt from ad valorem property tax because the real property is owned by the state.
 - (c) "Lease agreement" means an agreement by which a private person leases from the state real property that is part of the point of the mountain state land.
 - (d)
 - (i) "Leased property" means real property that:
 - (A) is part of the point of the mountain state land;
 - (B) is leased by a private person; and
 - (C) would be subject to ad valorem property tax if the real property were owned by the private person.
 - (ii) "Leased property" includes attachments and other improvements to the real property that would be included in an assessment of the value of the real property if the real property were not exempt property.
 - (e) "Leased property value" means the value that leased property would have if the leased property were subject to ad valorem property tax.
 - (f) "Lessee" means a private person that leases property that is part of the point of the mountain state land under a lease agreement.
- (2) Beginning January 1 of the year immediately following the execution of a lease agreement, a lessee under the lease agreement shall pay an annual fee with respect to the leased property that is the subject of the lease agreement.
- (3) In a county in which the point of the mountain state land is located:
- (a) the county assessor shall determine the leased property value of leased property that is subject to an annual fee as though the leased property were subject to ad valorem property tax;

- (b) the county treasurer shall collect an annual fee in the same way and at the same time that the treasurer would collect ad valorem property tax on the leased property if the leased property were subject to ad valorem property tax;
 - (c) the county may retain an administrative fee for collecting and distributing the annual fee in the same amount that would apply if the leased property were not exempt property; and
 - (d) the county treasurer shall distribute to the authority all revenue from an annual fee on leased property in the same way and at the same time as the treasurer distributes ad valorem property tax revenue to taxing entities in accordance with Section 59-2-1365.
- (4) Leased property is not subject to a privilege tax under Title 59, Chapter 4, Privilege Tax.

Enacted by Chapter 237, 2022 General Session

11-59-208 Portion of property tax augmentation to be paid to authority.

- (1) As used in this section:
- (a) "Base taxable value" means the taxable value in the year before the transfer date.
 - (b) "Property tax augmentation":
 - (i) means the amount of property tax that is the difference between:
 - (A) the amount of property tax revenues generated each tax year by all taxing entities from a transferred parcel, using the current assessed value of the property; and
 - (B) the amount of property tax revenues that would be generated from that same transferred parcel using the base taxable value of the property; and
 - (ii) does not include property tax revenue from:
 - (A) a county additional property tax or multicounty assessing and collecting levy imposed in accordance with Section 59-2-1602;
 - (B) a judgment levy imposed by a taxing entity under Section 59-2-1328 or 59-2-1330; or
 - (C) a levy imposed by a taxing entity under Section 11-14-310 to pay for a general obligation bond.
 - (c) "Transfer date" means the date that fee title to land that is part of the point of the mountain state land is transferred to a private person.
 - (d) "Transferred parcel" means a parcel of land:
 - (i) that is part of the point of the mountain state land; and
 - (ii) the fee title to which has been transferred to a private person.
- (2) Beginning January 1, 2023, the authority shall be paid 75% of property tax augmentation from a transferred parcel:
- (a) for a period of 25 years beginning January 1 of the year immediately following the transfer date for the transferred parcel; and
 - (b) for a period of an additional 15 years beyond the period stated in Subsection (2)(a) if:
 - (i) the board determines by resolution that the additional years will produce a significant benefit to the authority; and
 - (ii) the resolution is adopted before the end of the 25-year period under Subsection (2)(a).
- (3) A county that collects property tax on property within the county in which the point of the mountain state land is located shall pay and distribute to the authority the amount of property tax augmentation that the authority is entitled to collect under Subsection (2), in the manner and at the time provided in Section 59-2-1365.

Enacted by Chapter 237, 2022 General Session